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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,047	01/08/2002	James C. Colson	AUS920010709US1	4470
28722	7590	08/12/2004	EXAMINER	
BRACEWELL & PATTERSON, L.L.P.			HANNE, SARA M	
P.O. BOX 969			ART UNIT	
AUSTIN, TX 78767-0969			PAPER NUMBER	
			2179	

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,047

Applicant(s)

COLSON ET AL.

Examiner

Sara M Hanne

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/8/02.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5-7, 11-13, 17-19, 22-23, 25-26, 30-31, 33-35, 38-39 and 41-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Barber, US Patent 5930777.

As in Claims 1, 7, 13, 19, 27 and 35, Barber teaches a method, system and computer program product for requesting, from a user (consumer) device and via a billing server (Banker), a web page content from a network content server (user accesses commerce page), displaying on the user device at least one offer from the billing server to view web page content for a cost ("banker protects the consumer by modifying the commerce page to indicate precisely which links are tokenized links by adding a price tag image to each hyperlink", Column 7, lines 64-67), selecting at the user device an offer (Figure 2, step 24c), receiving at the user device the web page content, and displaying on the user device the web page content (Figure 2, step 24d).

As in Claims 5, 11, 17, 25, 33 and 41, Barber teaches the network content server is on the Internet (Column 4, lines 51-54).

As in Claims 6, 12, 18, 26, 34 and 42, Barber teaches the billing server and the network content server are the same device (Column 5, line 7 et seq.).

Art Unit: 2179

As in Claims 22, 30 and 38, Barber teaches the offer defined by a script header to the web page content (Column 6, lines 6-23).

As in Claims 23, 31 and 39, Barber teaches parsing the script header to generate at the user device a display of the offer (Column 6, lines 16-17).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 8, 14, 20, 28 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber, US Patent 5930777, and further in view of Britt, Jr., US Patent 6742038.

Barber teaches requesting a web page, displaying price information offers, selecting an offer, retrieving and displaying the corresponding web page. While Barber teaches the offer presentation and user selection of web page data through a billing server, they fail to show options for removal of advertisements as recited in the claims. In the same field of the invention, Britt, Jr. teaches a web site viewing system similar to that of Barber. In addition, Britt, Jr. further teaches a user requested option for removal of advertisements from the web page content (Column 6, lines 22-38). It would have been obvious to one of ordinary skill in the art, having the teachings of Barber and Britt, Jr. before him at

Art Unit: 2179

the time the invention was made, to modify the web-site pricing and viewing process taught by Barber to include the option to remove advertisements of Britt, Jr., in order to obtain a payment method for web-site viewing without advertising data. One would have been motivated to make such a combination because a less cluttered browsing method producing only main content data would have been obtained, as taught by Britt, Jr.

5. Claims 3, 9, 15, 21, 29 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber, US Patent 5930777

Barber discloses requesting a web page, displaying price information offers, selecting an offer, retrieving and displaying the corresponding web page. Barber fails to teach an offer based on an age of the web page content as recited in the claims. Within the field of the invention, it would have been obvious to one of ordinary skill in the art, to modify the web-site pricing and viewing process taught by Barber to include payment options based on age of the web-site. One would have been motivated to make such a combination because dynamic billing method for rating data based on it's age would have been obtained. For example, the age of the data (website) may be less valuable or in lower demand, and therefore should be cheaper or vice versa.

6. Claims 4, 10, 16, 24, 32 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber, US Patent 5930777.

Barber discloses requesting a web page, displaying price information offers, selecting an offer, retrieving and displaying the corresponding web page. Barber fails to teach web page content displayed on a computer device having a

Art Unit: 2179

limited sized display of less than forty square inches of viewable area as recited in the claims. Within the field of the invention, it would be obvious to one of ordinary skill in the art to use payment methods for web-site display on small display screens less than forty square inches. One would have been motivated to make such a combination because a billable Internet interface for cellular phones or PDAs would have been obtained.

Art Unit: 2179

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar Internet content billing services.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M Hanne whose telephone number is (703) 305-0703. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh


BA HUYNH
PRIMARY EXAMINER